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SCHOOL & MASS EDUCATION DEPARTMENT

RESOLUTION

The 21st June, 2013

The Right of Children for Free and Compulsory Education Act, 2009, casts an obligation on the appropriate State Government to provide and ensure admission, attendance, quality education and completion of elementary education by all children in the age group 6 to 14. The Act provides that, if a school does not exist in an area or limit prescribed as the neighbourhood, the appropriate Government shall establish a school in this area within a period of three years.

As per RTE-SSA norms, all new schools opened under Sarva Sikshya Abhiyan will be provided requisite school infrastructure, teachers and teaching learning equipments as mandated under schedule to the RTE Act. The revised norms provide that new upper Primary Schools/Sections will be opened in the campuses of existing Primary schools.

Similarly, for the purpose of universalization of Secondary Education Rastriya Madhyamik Sikshya Abhiyan (RMSA), a centrally sponsored scheme has been operated in the State. The RMSA is committed to universalise quality education at Secondary and Higher Secondary level in the State. The vision for Secondary Education is to make good quality education available, accessible and affordable to all young persons in the age group of 14 to 18 years. Under the scheme, the following goal is to be achieved mainly :—

- To provide a secondary school within a reasonable distance of any habitation, which should be 5 kilometres.

- To provide access to Secondary Education with special references to economically weaker sections of the society, the educationally backward, the girls and the disabled children, residing in the rural areas and other marginalised categories like SC, ST, OBC and Educationally Backward Minorities.

Accordingly, the State Government has undertaken important steps like Micro Planning exercise including baseline assessment in districts and identification of Upper primary schools to be opened/ upgraded and Secondary schools to be opened/strengthened.

Considering the above aspects and for successful implementation of RTE Act and Rastriya Madhyamik Sikshya Abhiyan Programme, Government after careful consideration have decided that :—

- (i) RMSA and SSA will identify the unserved area as per their norms through school mapping.
- (ii) State Govt. will take initiative to open/upgrade schools through SSA/RMSA.
- (iii) The issue of permission and recognition of schools will be discontinued and only NOC certificate will be granted to the schools, who comply the RTE/RMSA norms.
- (iv) Henceforth, No Objection Certificate (NOC) for opening of new High Schools, Upper Primary Schools etc shall be granted by the State Government. But this NOC shall be limited only to allow the Private Schools to present their students before Board of Secondary Education Examination.
- (v) The Educational Agency/Organisation desirous to open schools to promote education and who shall not claim Grant-in-Aid can apply for NOC and they can get affiliation from Board of Secondary Education, Odisha, Cuttack to present their students in the HSC Examination only. The detail guidelines for issuing NOC for opening of new Upper Primary/High Schools shall be in the following manner :—

(a) Application for establishment of Schools :—

- (1) Any Educational Agency/Organisation desirous to open Upper Primary/ High school shall seek for No Objection

Certificate (NOC) from the State Government for the purpose of its affiliation to Board of Secondary Education, Odisha (BSE) to present their students in the High School Certificate (HSC) Examination only shall apply to the Competent Authority (DSE), after obtaining clearance of the Odisha Madhyamik Shiksha Mission (OMSM)/ Sarva Sikshya Abhiyan (SSA) before the 31st day of August of the year immediately preceding the year in which the Upper Primary/High School is proposed to be established in the prescribed Form. Applications received after the 31st day of August shall not be taken into consideration.

- (2) Applications for grant of NOC to establish new High Schools shall be made to the Competent Authority (Director, Secondary Education) in prescribed Form. The applications and the enclosures thereto shall be submitted in triplicate.
- (3) Applications for grant of NOC shall be submitted through **online entry**.
- (4) The applications shall be accompanied with a fee of Rs.1000/- (rupees one thousand) only to be deposited in Government Treasury.
- (5) Applications received by the Competent Authority within the prescribed period shall be registered in the Register of applications and the receipt of the applications shall be duly acknowledged.

N.B.: *In respect of Upper Primary Schools, applications shall be made for grant of NOC through **online entry**. Before submission of application, clearance from State Project Director (SPD), SSA shall be obtained. NOC shall be considered as per the provisions contained in Odisha Right of Children for Free and Compulsory Education Rules, 2010.*

(b) Documents to be furnished with the Application : Every application made for grant of NOC shall be accompanied by—

- (1) A challan receipt of the fees paid;

- (2) A sketch map of the Grama Panchayat or the Municipality or the Notified Area, as the case maybe, showing the location of the proposed School, the location of nearby Schools which have been serving the area, the feeder Upper Primary Schools and their distance from the proposed School; and
- (3) Clearance Certificate from Odisha Madhyamika Sikshya Mission to the effect that, there is no proposal for opening of High School under Rastriya Madhyamika Sikshya Abhiyan in that locality.
- (4) A ground plan of the buildings showing the standards accommodated in each room.
- (5) Copies of the documents providing title of the School over the land. The school must be located in a site measuring not less than *three* acres, if situated in a rural area or a site measuring not less than *one* acre if situated in an urban area and must possess the title over the site. The site should be reasonably away from a cremation or burial ground, or a market place and the environment should be congenial for imparting instructions.
- (6) An undertaking that the Educational Agency/Organisation has adequate financial resource to meet the salary and other cost of the educational institution and that it shall not claim Grant-in-Aid from the State Government and in no case the State Government shall liable for payment of Grant-in-Aid in favour of the Institution.
- (7) An undertaking to the effect that, the surroundings of the school building must be healthy and there should be proper Sanitation and fire proof and to provide facilities for sports, library and equipment and teaching aids in conformity with the norms and standards prescribed by the Board in respect of High Schools in the State.

(8) The full strength of teachers in accordance with the norms laid down by the State Government for High Schools in the State must have been appointed and all the persons so appointed must possess the qualification prescribed for High Schools by the State Government.

(c) Inquiry by the District Education Officer :

- (1) The Competent Authority shall send the applications along with their enclosures to the concerned District Education Officer or Superintendent of Sanskrit Studies, as the case may be, and call for a report.
- (2) The District Education Officer or the Superintendent of Sanskrit Studies, as the case may be, shall record his findings about—
 - (i) the correctness of the facts and information furnished in the application;
 - (ii) the need for establishing a High School in the Grama Panchayat or the Urban area and there is no proposal for opening of new High School under the Rastriya Madhyamik Sikshya Abhiyan;
 - (iii) the viability of the proposed institution in terms of anticipated roll strength calculated on the basis of existing feeder Upper Primary Schools;
 - (iv) the financial viability of the school authority; and
 - (v) such other matters as may be required by the Competent Authority.

(d) Grant of No Objection Certificate (NOC) :

- (1) The Competent Authority shall scrutinize each application to see whether the applications are complete in all respects and whether other conditions have been complied properly.
- (2) The competent authority shall forward the applications along with their enclosures to the Convener of the Committee constituted in the S&ME Department for the purpose along with the following documents, namely:—
 - (i) the enquiry report of the District Education Officer or the Superintendent of Sanskrit Studies, as the case may be;

- (ii) report, if any, of the enquiry conducted by him;
- (iii) his own recommendations, if any.

(3) The High Power Committee constituted shall consider all applications in respect of the educational needs of the local area and also School Mapping under Rastriya Madhyamik Sikshya Abhiyan.

(4) The committee shall consider the educational need of the local area, justifying the establishment of a new High School and shall approve the proposal for issue of NOC. The decision of the Committee in the matter of issue of NOC shall be final.

(5) The Director Secondary Education, Odisha (Competent Authority) shall issue NOC in favour of the organization for opening of new High School as per the decision of the Committee.

(e) Conditions of NOC : The grant of NOC shall be subject to the followings:

- (1) The private Educational Institution shall have a Managing Committee or Governing Body as the case may be.
- (2) If the Educational Agency/Organisation fails to establish the High School within the stipulated period, the NOC shall be treated as cancelled.
- (3) The private Educational Institution shall frame rules governing the recruitment and conditions of service of its employees. Service contract will be entered with each employee and the management of the school.
- (4) The appointing authority shall be competent to initiate any disciplinary action against any of the employee of the institution, after following due procedure.
- (5) The qualification of the Head of the Institution (Headmaster/Principal) and other teaching staff shall be the same, as prescribed by the Affiliating Body.

(6) Fees and charges should be commensurate with the facilities provided by the institution. No capitation fees or voluntary donation for gaining admission in the school or for any other purpose should be charged/collected in the name of the school. In case of such malpractice, Government may take drastic action, leading to imposition of fine, withdrawal of NOC etc.

(7) The school should consult parents through parents, representative before revising the fees structure. The fees should not be revised during the mid session.

(8) The school seeking Board's affiliation shall be open to inspection by the Inspection Committee deputed by School & Mass Education Department.

(9) The school shall supply information and returns called for by the Government within the prescribed time given for its furnishing to the authority concerned.

(10) The school shall maintain records of attendance for all students in Secondary classes for the purpose of admission to the Board's examination. The entries in these registers properly checked at the end of each session and signed. The attendance registers shall be opened for inspection by the officers, deputed by the Department.

(11) The Government may conduct an audit of the funds of the school, as and when it thinks necessary, to ensure that ;

- (a) The funds/fees collected by the school authorities are not diverted for any other purposes.
- (b) The staff is paid salaries regularly.
- (c) Any other financial irregularity.

(12) Any violation of Right of Children for Free and Compulsory Education / Rastriya Madhyamik Sikshya Abhiyan norms will lead for withdrawal of NOC.

(f) Withdrawal of NOC :

- (1) The High Power Committee shall be the Competent Authority for withdrawal of NOC, issued in favour of any institution and shall be competent to withdraw the same, if it is satisfied that the terms and conditions as stated above for the purpose are violated.
- (2) Proceedings for withdrawal of N.O.C. shall be initiated at the level of Government in case the schools are found guilty of any of the following after reasonable notices and refer the same to the High Power Committee for consideration :—
 - (i) Not paying salaries and allowances to teachers and other employees, at least as per the service contract.
 - (ii) Financial irregularities including channelizing of funds for other purposes.
 - (iii) Engagement in activities prejudicial to the interest of the State, including or promoting feelings of disloyalty or disaffection against the Government established by law.
 - (iv) Encouraging or tolerating disharmony/ hatred between different sections of the Society.
 - (v) Non-fulfillment of conditions laid down regarding deficiencies to be removed, even after due notice.
 - (vi) Disregard of rules and conditions of affiliation even after receiving warning letters.
 - (vii) Hindrance in the smooth functioning of the school on account of dispute between rivalries within the school management.
 - (viii) Absence of approved terms and conditions of service, or frequent dismissal of teachers from service.
 - (ix) Non-availability of proper equipment/space/staff for teaching a particular subject.
 - (x) Any other misconduct in connection with the admissions/examinations/any other area which in the opinion of the Government warrants immediate withdrawal of the school.

(3) Adequate time and opportunity shall be provided to the Management of the school served with a “Show Cause Notice”, up to a maximum of six months for adequate compliance/removal of defects, failing which the High Power Committee may withdraw the No objection Certificate issued in its favour. In such an event, the affiliating Body shall be recommended by the Government to withdraw the affiliation of the concerned school.

(g) Affiliation :

- (1) After obtaining NOC from the State Government, the Educational Agency/Organisation shall make application to the Board of Secondary Education, Odisha for grant of Affiliation in favour of the School.
- (2) The application for grant of Affiliation shall be made to the Board of Secondary Education, Odisha.
- (3) The Board of Secondary Education shall grant Affiliation to the Educational Agency/Organisation, after following due procedure as per the regulation of the BSE (O).
- (4) At the time of Grant/renewal of affiliation, it will be ensured that, the school is satisfying all the conditions for grant of Affiliation, failing which, the Board shall reject/withdraw the affiliation.

Steps are being taken for amendment of relevant sections of Acts and Rules regarding grant of permission/recognition for opening of private Educational Institutions.

The Resolution will be given effect from the date of its issue.

ORDER

Ordered that, this Resolution shall be published in an Extraordinary issue of *Odisha Gazette*.

By Order of the Governor

USHA PADHEE

Commissioner-cum-Secretary to Government